

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LIQWD, INC. and OLAPLEX LLC,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 17-14-JFB-SRF
)	
L'ORÉAL USA, INC., L'ORÉAL USA)	
PRODUCTS, INC., L'ORÉAL USA S/D,)	
INC. and REDKEN 5 TH AVENUE NYC, LLC,)	
)	
Defendants.)	

**MOTION FOR APPROVAL OF STAY OF ANY EXECUTION OR ENFORCEMENT OF
THE JUDGMENT BY BOND**

Pursuant to Federal Rule of Civil Procedure 62(b), Defendants L'Oréal USA, Inc., L'Oréal USA Products, Inc., L'Oréal USA S/D, Inc. and Redken 5th Avenue NYC, LLC (collectively, "L'Oréal USA") hereby move this Court to approve L'Oréal USA's posting of a bond in the amount of \$60,000,000.00 and to obtain a stay of any execution or enforcement of the Judgment (D.I. 1078), pending resolution in L'Oréal USA's favor of its motions to be filed under Federal Rules of Civil Procedure 50 and 59 or, to the extent necessary, the completion of all appellate proceedings. In support of this motion, L'Oréal USA respectfully states the following:

1. On August 20, 2019, the Court entered a Memorandum and Judgment in favor of Plaintiffs Olaplex LLC and Liqwd, Inc. ("Olaplex") and against L'Oréal USA for \$49,920,000.00 (D.I. 1078).
2. On August 23, 2019, L'Oréal USA contacted Olaplex to ask whether Olaplex would be willing to reach an agreement in lieu of L'Oréal USA posting a supersedeas bond to

stay enforcement of the judgment. L'Oréal USA requested a response by August 30, 2019, which Olaplex failed to do.

3. Federal Rule of Civil Procedure 62(b) provides that “[a]t any time after judgment is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security.”

4. On September 17, 2019, which is 28 days after the date of the Judgment, L'Oréal USA intends to file motions pursuant to Federal Rules of Civil Procedure 50 and 59. To the extent necessary, if the Court denies L'Oréal USA's motions, L'Oréal USA intends to file a notice of appeal.

5. L'Oréal USA has obtained a bond in the amount of \$60,000,000.00 with Liberty Mutual Insurance Company. A true and correct copy of the bond is attached hereto as Exhibit “A”.

6. The amount of the bond includes the amount of damages awarded in the Judgment, \$49,920,000.00, plus an additional 20%, which is more than sufficient to cover 1 year of interest using the interest rate set forth in 28 U.S.C. § 1961. This interest rate is 1.77%, based on the weekly average for the 1-year constant maturity Treasury yield for the week ending August 16, 2019 (the calendar week preceding the August 20, 2019, Judgment).

7. The character of the surety and the amount of the bond provide ample protection to Olaplex on appeal.

8. Pursuant to Local Rule 7.1.1, on September 11, 2019, L'Oréal USA contacted Olaplex regarding the matters set forth in this motion. Olaplex indicated that it does not believe

the bond amount is sufficient, but provided no basis for its position or an alternative number that it believes would be sufficient.

9. Given Olaplex's position, and since L'Oréal USA intends to post a bond at the amount the Court deems reasonable, L'Oréal USA respectfully requests an interim stay of execution of judgment until resolution of any dispute over the bond amount, if it is not resolved by September 19, 2019, the date of expiration of the automatic 30-day stay.

WHEREFORE, L'Oréal USA requests that this Court enter an Order (i) approving the bond in the amount of \$60,000,000.00 and (ii) staying any execution or enforcement of the Judgment (D.I. 1078) pending resolution in L'Oréal USA's favor of its motions to be filed under Federal Rules of Civil Procedure 50 and 59 or, to the extent necessary, the completion of all appellate proceedings. Alternatively, if the Court is unable to resolve the bond amount issue prior to September 19, 2019, L'Oréal USA requests that this Court enter an Order issuing an interim stay of execution of judgment or any proceedings to enforce the judgment until any dispute over the bond amount is resolved.

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